Application No.: 10/635,649

REMARKS

Claims 1-6 stand rejected under 35 U.S.C. § 102 as being anticipated by Uchizaki et al. '193 ("Uchizaki"). Support for the amended claims can be found, for example, on page 11, lines 1-16; page 15, line 16 – page 16, lines 23; and Figures 4-5 of Applicants' specification. This rejection is respectfully traversed for the following reasons.

Each of claims 1 and 6 embody an object lens being of ***finite*** conjugate type for use in an optical pickup having a unit, in which a semiconductor laser diode array including light emitting portions for respectively emitting light of different wavelengths, a photo detector and said object lens are ***integrally and fixedly arranged***. In direct contrast, Uchizaki expressly discloses an optical system of an ***infinite*** type where a collimator lens 104 (Figure 1) is used as contrasted with the optical system of the present invention in which an object lens is used. Similarly, the optical system shown in Figure 10 of Uchizaki is also an ***infinite*** type in that the laser light is changed into parallel rays through a hologram element 112. Accordingly, as would be recognized by one of ordinary skill in the art, both the Figure 1 and Figure 10 embodiments of Uchizaki illustrate completely different structural arrangements than the finite type optical system of the present invention.

Moreover, each of claims 1 and 6 also embody curvature and aspheric coefficients of the object lens being defined to have numerical aperture controlled to be changed in accordance with switching between the different wavelengths, whereby allowing the laser beam to be focused on the first optical recording medium or the second optical recording medium having recording faces with different heights. Uchizaki is completely silent as to setting such parameters in the manner set forth in the claims. Indeed, as compared to Uchizaki, the claimed invention can help alleviate the structural constraints of Uchizaki by enabling to eliminate the need to use a

numerical aperture limiting device (e.g., wavelength-selective iris 106 shown in Figure 1 of Uchizaki) and a hologram element 112 shown in Figure 10 of Uchizaki.

According to one aspect of the present invention, the distances between the respective light emitting portions of the semiconductor laser diode array and the object lens can be substantially the same. Accordingly, even when divergent rays of the finite optical system enter the object lens, aberration generated in the object lens can be stabilized. As a result, the numerical aperture can be controlled to be changed in accordance with the switching of the wavelength of the irradiation light. The laser beam having passed through the object lens can therefore be focused on the recording face of the optical recording medium arbitrarily selected from a plurality of optical recording media different at the height of the recording face (*see, e.g.*, page 4, line 21 - page 5 line 8 of Applicants' specification).

As explained above, characteristics of the structure of the claimed object lens and the method of designing the same include providing a finite type lens; and the distance between the object lens and the semiconductor laser diode array having light emitting portions for respectively emitting light of different wavelengths can be fixed to make it possible to change the numerical aperture of the object lens in accordance with the switching of the wavelength of the irradiation light, thereby enabling focusing the laser beam on different types of optical disks where the height of the respective recording faces can be different from each other. Uchizaki is silent as to such an arrangement and the purported effective results.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir.

1986), based on the forgoing, it is submitted that Uchizaki does not anticipate claims 1 and 6, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 6 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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